

Kreisler 1092-KGB
001394us/JH/be

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : GERD HOBOM ET AL.
 SERIAL NO. : 09/909,238
 FILED : July 19, 2001
 FOR : RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC
 vRNAs CODING FOR TWO GENES IN TANDEM
 ARRANGEMENT
 ART UNIT : 1614
 EXAMINER : TO BE ASSIGNED

February 4, 2002

Hon. Commissioner of Patents
 Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS
 & COMMUNICATION REGARDING
 THE SEQUENCE LISTING**

SIR:

In further response to the Notice to File Missing Parts of Nonprovisional Application dated October 3, 2001, a copy of which is attached, please amend the above-identified application as follows:

IN THE SEQUENCE LISTING:

Replace the initial paper Sequence Listing by the attached substitute paper Sequence Listing.

REMARKS

The above-identified notice required that Applicants submit:

- 1) A substitute paper copy of the Sequence Listing;
- 2) A substitute computer readable form (CRF) copy of the paper Sequence Listing; and
- 3) A statement that the content of the paper Sequence Listing and the computer readable copies are the same and include no new matter.

In response, there is attached a substitute paper copy of the Sequence Listing, which, pursuant to 37 CFR § 1.823 (a) (1), is numbered independently of the numbering of the remainder of the application. The undersigned hereby certifies that the substitute paper copy of the Sequence Listing does not introduce new matter.

There is also attached a substitute computer readable form copy of the substitute paper Sequence Listing. The undersigned hereby certifies that the content of the substitute paper Sequence Listing and the substitute computer readable form copy is the same and includes no new matter.

Please type a plus sign (+) inside this box

Approved for use through 9/30/00. OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

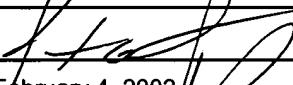
Total Number of Pages in This Submission

Application Number	09/909,238
Filing Date	July 19, 2001
First Named Inventor	Gerd HOBOM et al
Group Art Unit	1614
Examiner Name	To Be Assigned
Total Number of Pages in This Submission	Attorney Docket Number
	Kreisler 1092-KGB

ENCLOSURES (check all that apply)

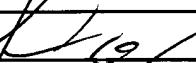
<input checked="" type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <ul style="list-style-type: none"> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) 	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input checked="" type="checkbox"/> Drawing(s) 8 Sheets <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to Group
	<input type="checkbox"/> Petition Routing Slip(PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
	<input type="checkbox"/> To convert a Provisional Application	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Proprietary Information
	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Letter
	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Additional Enclosure(s) <ul style="list-style-type: none"> - (please identify below):
	<input type="checkbox"/> Request for Refund	<ul style="list-style-type: none"> - Diskette containing Sequence Listing
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kurt G. Briscoe, Esq. NORRIS McLAUGHLIN & MARCUS, P.A.	
Signature		
Date	Reg. No. 33,141 February 4, 2002	

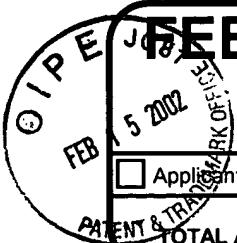
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Hon. Commissioner of Patents, Washington, D.C. 20231 on this date: February 4, 2002

Typed or printed name	Kurt G. Briscoe	
Signature		Date
	February 4, 2002	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Hon. Commissioner of Patents, Washington, DC 20231.

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JO FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$400.00

Complete if Known

Application Number	09/909,238
Filing Date	July 19, 2001
First Named Inventor	GERD HOBOM et al
Examiner Name	To Be Assigned
Group Art Unit	To Be Assigned
Attorney Docket No.	100725-10 / Kreisler 1092-KGB

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number	14-1263
Deposit Account Name	Norris, McLaughlin & Marcus

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)		\$0.00			

2. EXTRA CLAIM FEES FOR UTILITY AND

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	0 X 18.00 =	0.00
Independent Claims	- 3** =	0 X 80.00 =	0.00
Multiple Dependent		=	

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		\$0.00		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES
Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non - English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	400	216 200 Extension for reply within second month	400.00
117	920	217 460 Extension for reply within third month	
118	1,440	218 720 Extension for reply within fourth month	
128	1,960	228 980 Extension for reply within fifth month	
119	320	219 160 Notice of Appeal	
120	320	220 160 Filing a brief in support of an appeal	
121	280	221 140 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,280	241 640 Petition to revive - unintentional	
142	1,280	242 640 Utility issue fee (or reissue)	
143	460	243 230 Design issue fee	
144	620	244 310 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Processing fee under 37 CFR § 1.17(q)	
126	180	126 180 Submission of Information Disclosure Statement	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	740	246 370 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249 370 For each additional invention to be examined (37 CFR § 1.129(b))	
178	740	279 370 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$400.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Kurt G. Briscoe	Registration No. (Attorney/Agent)	33,141	Telephone	(212) 808-0700
Signature		Date	February 4, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20591. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20591.

FEB 15 2002

TRANSMITTAL OF FORMAL DRAWINGS

Docket No.
Kreisler 1092-KGB

In Re Application Serial No.: GERD HOBOM et al

Serial No.

Filing Date

Batch No.

Examiner

Art Unit

09/909,238

July 19, 2001

To Be Assigned

To Be Assigned

1614

Invention: RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC vRNAs CODING FOR TWO GENES
INTANDEM ARRANGEMENT

Address to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Transmitted herewith are:

8 sheets of formal drawing(s) for this application.

- Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c).



Res No.
33,141

Signature

Kurt G. Briscoe
Norris McLaughlin & Marcus
220 East 42nd Street
30th Floor
New York, NY 10017
Tel.: (212) 808-0700
Fax: (212) 808-0844

Dated: 02-04-02

I certify that this document and attached formal drawings are being deposited on February 4, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Kurt G. Briscoe

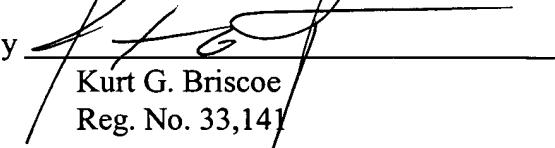
Typed or Printed Name of Person Mailing Correspondence

GERD HOBOM ET AL.
USSN 09/909,238

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS MC LAUGHLIN & MARCUS, P.A.

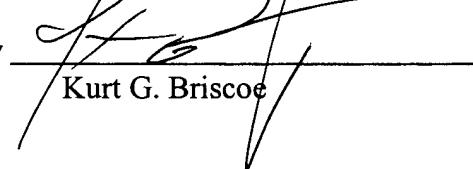
By 
Kurt G. Briscoe
Reg. No. 33,141

220 East 42nd Street - 30th Floor
New York, New York 10017
Phone: (212) 808-0700
Fax: (212) 808-0700

CERTIFICATE OF MAILING

I hereby certify that the foregoing Response to Notice to File Missing Parts and accompanying Copy of the Notice, Substitute Paper Sequence Listing (15 pages) and Computer Diskette are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: February 4, 2002

By 
Kurt G. Briscoe



UNITED STATES PATENT AND TRADEMARK OFFICE

ALL
FEB 15 2002

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/909,238	07/19/2001	Gerd Hobom	Kreisler 1092-KGB

APRIL 15 2002
FEB 15 2002

27361
PATENT & TRADEMARK OFFICE
KURT BRISCOE
NORRIS, MC LAUGHLIN & MARCUS, P.A.
220 EAST 42ND STREET, 20TH FLOOR
NEW YORK, NY 10017

CONFIRMATION NO. 8656
FORMALITIES LETTER



0C00000006834890

Date Mailed: 10/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
-

*A copy of this notice **MUST** be returned with the reply.*

BJS

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY